

REMARKS

Status of Claims

Claims 1 – 12, 14-16, and 19 - 20 stand rejected at the present time. Of these claims, Claim 1, 6 and 20 are independent claims. Claims 2 - 5 depend upon Claim 1, and claims 7 - 19 depend upon Claim 6.

Amendments to the Claims

Claims 3, 4, 5, 9 10 - 16 are herewith amended to correct typographical spelling and punctuation errors, or further, to provide proper dependency based on a cancelled claim.

Claims 2 and 10 are cancelled.

Claims 1, 6 and 20 are herewith amended, having support in the specification at, for example, ¶¶ 19 – 22.

Three independent claims 21, 25 and 30 are added, as are twelve additional dependent claims 22 – 24, 26 – 29 and 31 - 35. Support for the additional claims are found throughout the specification and drawings as originally filed. Because no new matter is being introduced, and because the initial search should have covered the invention as described and claimed, no new prior art search is required. *See* MPEP § 704.01 *et seq*; and § 904 *et seq*.

Rejections Pursuant to 35 U.S.C. § 112

The Office rejects claim 9 under Section 112 stating that a representative “cylindrical pot nowhere has a ‘side wall formed to lie in a plane,’ rather the side wall of a ceramic cooking vessel could be said to have a tangent plane at each point.

In response, claim 9 does not recite that the cylindrical pot has “side wall formed to lie in a plane” as stated by the Office; rather, claim 9 recites that the present liner includes “at least one side wall defining the main body” so that the side wall is formed to lie in “a plane substantially coincident with a plane of the slow cookware’s interior cooking chamber” so that the liner main body substantially occupies the same space (adjacently) as slow cookware’s interior cooking chamber.

The Applicant submits that this language is clear to one of skill in the art and definite in description. Reconsideration is respectfully requested.

Rejections Pursuant to 35 U.S.C. § 102

The Office rejects claims 1-12, 14-16, 19 and 20 as being anticipated by U.S. Patent No. 6,313,446 to Jones (the “Jones patent”).

“Under 35 U.S.C. 102, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim.” *Gechter v. Davidson*, 116 F.3d 1454 (Fed. Cir. 1997)

(emphasis added). In this regard, the Jones patent is not an anticipatory reference to the claims for several reasons.

For example, Claims 1, 6 and 20 all recite a liner having “having a top rim and an integrally formed flange coupled to the top rim, the flange adapted to allow steam to escape from the crock pot when in operation”. The Office reasons that the flange of the Jones patent “allows steam to escape from the pot exactly [as] it does from all pots whose lid only rest on the pot flange; the lid does not form an air-tight seal since it is not a pressure cooker.” This reasoning is factually incorrect. As disclosed in the Jones patent:

- The cooking lid is sized “to sit onto the liner lip to seal the liner cooking compartment.” Col. 2, ll. 51 - 52.
- The storage lid has a lip “shaped to engage and hold the liner lip ... **such that the liner cooking compartment is sealed.**” Col. 2, ll. 52 - 53.
- The cooking lid is sized “to seal the liner cooking compartment”. Col. 3, ll. 16 - 18.
- The storage lid is shaped to engage and hold the liner lip “such that the liner cooking compartment is sealed.” Col. 3, ll. 18 - 20.
- The liner member 16 is shaped to “engage and hold” the lid 20 “**such that liner cooking compartment 42 is sealed**”. Col. 4, ll. 1 - 4.
- Both the cooking lid and the storage lid of the Jones patent are disclosed to have a “sealing” function. Col. 4, ll. 54 - 56.

Because the Jones patent expressly teaches that its lids (whether a cooking lid or a storage lid) **must form a sealing relationship with the disclosed liner**, the Jones patent directly teaches away from the present invention, and further, it fails to disclose limitation of the pending independent claims (and those claims dependant thereon). Reconsideration is respectfully requested.

Rejections Pursuant to 35 U.S.C. § 103

The Office also rejects claims 17 – 18 as being unpatentable over the Jones patent. In response, it follows that since Claims 17 and 18 are dependant upon independent Claim 6, and because the Office has not rejected Claim 6 under Section 103 as being unpatentable over the Jones patent, then neither claims 17 nor 18 can be rejected under Section 103 (*i.e.*, since Claim 6 is patentable over the Jones patent under Section 103, then dependant claims 17 and 18 are similarly patentable over the Jones patent).

As such, Claims 17 and 18 must stand as not being rejected, since they are dependant upon a non-rejected claim (Claim 6) pursuant to Section 103.

Reconsideration is respectfully requested.

Objections to Drawings

The Applicant hereby submits a Transmittal of Formal Drawings. Three sheets of formal drawings are herewith being transmitted.

Conclusion

In light of the foregoing amendments and remarks, the Applicant respectfully requests the Office to withdraw the pending objections and rejections, and allow the present application to issue. The undersigned would welcome a phone call from the Office to expedite the resolution of this application.

A check for \$600.00 to cover the three additional independent claims (at \$100/independent claim = \$300) and for twelve additional dependent claims (at \$25/dependent claim = \$300) is attached. A return postcard is attached, which the Applicant requests the Office to stamp and mail to the Applicant.

Respectfully submitted,

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